

FIRST AMENDMENT

BILL NO. 2003-77

ORDINANCE NO. 5635

AN ORDINANCE TO AMEND THE PROVISIONS GOVERNING THE OPERATIONS AND MANAGEMENT OF CHILD CARE FACILITIES, TO INCREASE THE MEMBERSHIP OF THE CITY CHILD CARE LICENSING BOARD, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Mark Vincent,
Director of Finance and Business Services

Summary: Amends child care facility and personnel licensing provisions, and increases the membership of the City Child Care Licensing Board.

**THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:**

SECTION 1: Title 6, Chapter 24, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.24.010: As used in this Chapter, unless the context otherwise indicates, the following terms shall have the meanings that are ascribed to them as follows:

[(A)] "Accommodation facility" means a commercial business establishment, not directly related to child care, that provides limited facilities for the custody of customers' children, with or without compensation, for not more than three and one-half hours in any twenty-four-hour period.

[(B)] "Board" means the Child Care Licensing Board of the City of Las Vegas.

[(C)] "Board of health" means the Clark County District Board of Health.

"Child care center" means any facility which provides day or night care, or both day and night care, for compensation, for more than twelve children.

[(D)(1) "Child care facility" means an establishment operated for the purpose of furnishing care on a temporary or permanent basis, during the day or overnight, for compensation, to five or more children less than eighteen years of age. "Child care facility" does not include:

(a) The home of a natural parent or guardian, foster home as defined in Chapter 424 of NRS or maternity home; or

(b) A home in which the only children received, cared for and maintained

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1 are related within the third degree of consanguinity or affinity by blood, adoption or marriage to the
2 person operating the facility.

3 (2) For purposes of this Chapter, a "child care facility" or "facility" mean an
4 establishment operated and maintained for the purpose of furnishing care on a temporary or permanent
5 basis, during the day or overnight, with or without compensation, to one or more children less than
6 eighteen years of age. However, this term shall not apply to:

7 (a) The occasional care of a neighbor's or a friend's child for a period not
8 to exceed four weeks, with or without compensation, when the person providing such care does not
9 regularly engage in such activity; or

10 (b) Care given by parents who, on a mutually cooperative basis, exchange
11 care of one another's children; or

12 (c) Care given to children on church premises while their parents are
13 attending religious services; or

14 (d) Care given by a contract labor service licensed by the City which
15 provides among others babysitting services; or

16 (e) An accommodation facility as defined in this Chapter.]

17 "Child care facility" or "facility" means an establishment operated and maintained for the
18 purpose of furnishing care on a temporary or permanent basis, during the day or overnight, for
19 compensation, to one or more children less than eighteen years of age. For the purpose of this
20 definition, "furnishing care" does not include:

21 (A) The occasional care of a neighbor's or a friend's child for a period not to exceed
22 four weeks.

23 (B) Care provided in the home of a natural parent or guardian, foster home as
24 defined in Chapter 424 of NRS or maternity home.

25 (C) Care provided in a family dwelling in which the only children received, cared
26 for and maintained are related within the third degree of consanguinity or affinity by blood, adoption
27 or marriage to the person providing the care.

28 The term includes without limitation an accommodation facility, outdoor youth program, and summer

1 camp program.

2 "Child care institution" means a facility in which the licensee provides care during the day and
3 night and provides developmental guidance to sixteen or more children who do not routinely return
4 to the homes of their parents or guardians.

5 "Child with special needs" means a child who does not function according to expectations
6 appropriate to his or her age and who regularly requires special assistance or accommodations.

7 [(E)] "Department" means the Department of [Business Activity] Finance and Business
8 Services.

9 [(F)] "Director" means either the licensee of a child care facility or a person appointed by
10 the licensee who is responsible for managing the operation of a child care facility.

11 "Family child care home" means a facility within a family dwelling in which care is provided
12 for compensation, without the presence of parents, for at least one, but not more than six children.

13 "Group home for child care" means a facility within a family dwelling in which care is
14 provided for compensation without the presence of parents, for at least seven, but not more than
15 twelve children.

16 "On-site child care facility" means a facility that:

17 (A) Is located on the premises of a business for the purpose of providing child care
18 services to the employees of the business;

19 (B) Provides care on a temporary or permanent basis, during the day or night, for
20 compensation, to one or more children under the age of eighteen years old who are not related within
21 the third degree of consanguinity or affinity to an owner or manager of the business; and

22 (C) Is owned, operated, subsidized, managed, contracted for or staffed by the
23 business.

24 "Outdoor youth program" means a program for the provision of services, while living
25 outdoors, to persons under eighteen years of age who have behavioral problems with mental health
26 or problems with abuse of alcohol or drugs. "Outdoor youth program" does not include any facility,
27 activity or program operated by or on behalf of a governmental entity, or licensed by the State.

28 "Preschool" means a facility in which the licensee has established specific goals to enhance

1 each child's cognitive, social, emotional, physical and creative development. A preschool may be part
2 of another type of child care facility. A preschool may allow the number of children stated on its
3 license to attend one or more class sessions per day provided that each session does not exceed four
4 hours, including recesses, and there is a recess between sessions.

5 [H] "Regulations" means the City of Las Vegas Regulations and Standards For Child Care
6 Facilities adopted by the City Council in addition to the provisions of this Chapter.

7 "Special needs facility" means a child care facility with forty percent or more of its authorized
8 enrollment consisting of children with special need.

9 [(G)] ["Staff" means the personnel and employees of the Department of Business Activity.]

10 "Summer camp program" means a program offered during the summer for the care of children
11 under eighteen years of age. "Summer camp program" does not include recreational programs
12 affiliated with or conducted by the City, another governmental entity or a year-round recreational
13 program offered and conducted by a non-profit organization.

14 SECTION 2: Title 6, Chapter 24, Section 20, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **6.24.020:** [There is hereby established a board designated as the Child Care Licensing Board of
17 the City of Las Vegas.

18 (A) The Board shall:

19 (1) Be appointed by the City Council, each member of which may make
20 one appointment. In making such appointments, the City Council shall give special consideration to
21 the background of each prospective member including such qualifications as ability, education,
22 experience, training, profession or occupation and availability and willingness to serve on the Board.
23 The City Council may also consider such other qualifications of a prospective member as it deems
24 appropriate;

25 (2) Consist of five members except as provided in Subsection B of this
26 Section, all of whom must be residents of the City. One member must and not more than one member
27 may be a licensed operator of a facility within the City.

28 (B) Except as provided in Subsection C of this Section, each member of the Board

1 shall be appointed for a term of four years, which term shall run concurrently with the term of the
2 member of the City Council who made the appointment.

3 (C) Any vacancy on the board shall be filled by the City Council but only for the
4 unexpired term of the member whose service on the Board has ended.

5 (D) On the effective date of the ordinance that is codified in this Section, the Board
6 consists of six members.

7 (1) The members of the existing Board shall be eligible to remain on the
8 Board for the unexpired terms of their current appointments and shall all be eligible for reappointment
9 to the Board at the discretion of the City Council.

10 (2) The number of members shall be reduced to five when a member of the
11 existing Board, other than the member who is a licensed operator of a facility within the City, is
12 removed from the Board pursuant to the provisions of Chapter 2.52 of this Code, resigns or is not re-
13 appointed by the City Council to an additional term.]

14 (A) There is hereby established a board designated as the Child Care Licensing
15 Board of the City of Las Vegas.

16 (B) The Board membership shall be equal in number to those serving on the City
17 Council, and all Board members must be residents of the City.

18 (C) The Board membership must include no fewer than one, and no more than two,
19 members who are current licensed operators of facilities within the City, former licensed operators
20 of facilities within the City, or a combination thereof.

21 (D) Each member of the City Council shall appoint one member of the Board,
22 subject to the approval of the City Council.

23 (E) The term of each member of the Board shall run concurrently with the term of
24 the appointing City Council member.

25 (F) Appointments to fill vacancies on the Board shall be made by the appointing
26 City Council member, subject to City Council approval, for the unexpired term of office of the
27 departing Board member.

28 SECTION 3: Title 6, Chapter 24, Section 40, of the Municipal Code of the City of

1 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 **6.24.040:** (A) In addition to any other authority granted to the Board pursuant to this Chapter,
3 the Board shall have the authority:

4 (1) To grant full or conditional approval of or deny director applications;

5 (2) To [recommend] grant full or conditional approval of, or deny
6 applications for new child care facility licenses;

7 (3) As a prerequisite to any action with respect to a new license or director
8 application, to require the applicant to appear in person at a meeting and attend a general orientation
9 meeting conducted by the Department;

10 (4) To adopt amendments to the regulations and standards and to
11 recommend to the City Council the adoption of amendments to this Chapter;

12 (5) At the request of an applicant, to waive a regulation that is more
13 stringent than a State regulation if it determines that good cause exists;

14 (6) To specify the length of time that a waiver is in effect; [and]

15 (7) To revoke a waiver if, after a public hearing, it determines that the
16 public health or safety is threatened or the basis upon which the waiver was granted no longer
17 exists[.]; and

18 (8) To send written notice requiring a licensee or director to appear before
19 the Board whenever there is reasonable cause to deny, suspend, revoke, or take other appropriate
20 action against a licensee or director approval issued pursuant to this Chapter.

21 (B) For purposes of the waiver provisions of this Section, "good cause" exists when
22 an applicant is unduly burdened by a facility regulation and as a result thereby suffers a severe
23 hardship because of circumstances or conditions which are unique to him.

24 (C) The Board may not:

25 (1) Grant a waiver which will threaten public health or safety; or

26 (2) Grant a waiver of any regulation that would result in any facility not
27 complying with regulations as adopted by the State Board for Child Care. [Waiver of a state
28 regulation may be granted by the Sate Board for Child Care pursuant to the procedures set forth in the

1 State Regulations and Standards for Child Care Facilities.]

2 (D) The Board's authority under Subsection (A) to require the appearance of
3 applicants, licensees and directors may be exercised by the Department.

4 SECTION 4: Title 6, Chapter 24, Section 50, of the Municipal Code of the City of
5 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **6.24.050:** It is found and declared by the City Council that:

7 (A) The public health, safety, morals and welfare of the inhabitants of the City
8 require the regulation and control of businesses engaged in the operation of child care facilities[;].

9 (B) All establishments where care of children is given, except as otherwise provided
10 in LVMC 6.24.010, shall be licensed, operated and controlled so as to protect the public health, safety,
11 morals and welfare[;].

12 (C) The right to obtain such a license is a privilege and that the operation of a child
13 care facility, when authorized by such license, is a privileged business subject to regulation[; and].

14 (D) No person shall operate a child care facility without first obtaining and
15 thereafter maintaining a valid unexpired license pursuant to this Code; provided, however, [tht] that
16 the Department may issue a [temorary] temporary business license to an applicant in accordance with
17 LVMC 6.02.070 if:

18 (1) The applicant at the time he or she files an application is [property]
19 properly licensed, or held a valid license within sixty days of the application date in a similar business
20 within Clark County or the City of Las Vegas for which all of the provisions applicable to the
21 operations of a child care facility have been previously met;

22 (2) The applicant has complied with all other applicable requirements of
23 this Chapter and this Code; and

24 (3) The business location or business premises have been tentatively
25 approved by the appropriate departments of the City and [agnecies] agencies of the County or State,
26 if so required.

27 (E) No person shall operate a family child care home without a designated alternate
28 care giver, approved by the Department, that can assist or fill in for the licensee in the case of an

1 emergency.

2 SECTION 5: Title 6, Chapter 24, Section 60, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **6.24.060:** Every person required to be licensed or approved as a director under this Chapter shall:

5 (A) Make application [in person] to the Department on a form or forms supplied
6 or approved by the Department[;].

7 (B) Complete all application forms fully, specifying in particular the type of facility
8 for which a license or approval is sought, the proposed hours of operation of the facility and the ages
9 and number of children for whom care will be provided[;].

10 (C) File the application at least [thirty] sixty calendar days prior to a regularly
11 scheduled Board meeting so that any agency to which the Department is required to refer the
12 application for additional approval may complete its review and report to the Board[; and].

13 (D) Be referred by the Department to [the Las Vegas Metropolitan Police
14 Department] Metro for investigation[; and], and:

15 (1) Submit at the time of application a nonrefundable investigation deposit
16 [fee of fifty dollars,] as specified by Metro:

17 (2) Pay the actual cost of the investigation as provided under LVMC
18 6.06.105[;].

19 (3) Submit the required fees for processing fingerprint cards through the
20 Federal Bureau of Investigation[, and]; and

21 (4) Follow the work card application procedures outlined in LVMC Chapter
22 6.86.

23 (E) Pay all license application fees required by Title 6.

24 SECTION 6: Title 6, Chapter 24, Section 70, of the Municipal Code of the City of
25 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **6.24.070:** [An application for a license or renewal thereof may be denied and a license may be
27 suspended or revoked according to the provisions of this Chapter, upon any of the grounds set forth
28 in LVMC 6.02.330 and NRS 432A.190.]

1 (A) An application for a child care facility license or renewal thereof may be denied,
2 upon any of the grounds set forth in LVMC 6.02.330 and NRS 432A.190, or upon any of the
3 following grounds:

4 (1) An applicant does not possess or have the reputation of possessing a
5 good moral character.

6 (2) An applicant is less than eighteen years of age.

7 (3) An applicant has a history of criminal offenses which would, in the
8 judgment of the Board or the City Council, jeopardize the physical, mental or emotional well-being
9 of a child under the care of the applicant. The determination of an applicant's fitness in this regard
10 shall take into account the nature, severity, frequency and recency of any such offenses.

11 (4) An applicant for a child care facility license who will provide child care
12 in a family child care home or group home for child care is found to have a home environment which
13 is not conducive to the health, safety, morals or welfare of children. Such a home environment shall
14 include, without limitation, the following conduct by an applicant, prospective employee, volunteer
15 or person living in or frequently visiting the site of the family child care home or group home:

16 (a) Excessive use of alcohol;

17 (b) The use of controlled substances;

18 (c) Serious or prolonged illness;

19 (d) Physical or mental impairment; or

20 (e) Violent behavior.

21 (5) An applicant who after due consideration for the protection of the public
22 health, safety, morals or welfare is found by the Board or City Council to be unsuitable to receive a
23 license.

24 (B) A child care facility license may be suspended or revoked according to the
25 provisions of this Chapter upon any of the same grounds set forth in this Section for denial of an
26 application for such license.

27 SECTION 7: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,
28 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section

1 6.24.072, to read as follows:

2 **6.24.072:** A child care facility licensee shall either act as the facility director or have another
3 person approved by the Board act as the facility director.

4 SECTION 8: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,
5 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
6 6.24.075, to read as follows:

7 **6.24.075:** (A) Before acting as a child care facility director on behalf of a child care facility
8 licensee, a person shall first apply with the Department for approval as a director pursuant to the
9 provisions of LVMC 6.24.060.

10 (B) An application for approval as a director filed pursuant to Subsection (A) of this
11 Section may be denied, or suspended or revoked after issuance, upon the same grounds for denial,
12 suspension or revocation of a child care facility license as set forth in LVMC 6.24.070.

13 SECTION 9: Title 6, Chapter 24, Section 100, of the Municipal Code of the City of
14 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **6.24.100:** [Each new license application shall either be recommended for approval or denied by
16 the Board within sixty calendar days after the application is filed. However, in the event that any
17 agency to which the Department is required to refer the application for additional approval is unable
18 to complete its review thereof in time for the Board to comply with the sixty-calendar-day
19 requirement, that period may be extended for not more than sixty calendar days. If a license
20 application is recommended for approval, the Department shall submit the application to the City
21 Council for consideration at its first available regular meeting thereafter.]

22 (A) The Department shall refer a completed application for a child care facility
23 license or a child care facility director's position to Metro for background investigation and report on
24 any areas of concern. Upon completion of the background investigation, the Department shall submit
25 the application and background investigation report to the Board at the Board's next regularly
26 scheduled meeting.

27 (B) The Board shall either grant or deny each new application for a child care
28 facility license or application for a child care facility director's position within forty-five calendar days

1 after the application is referred to the Board from the Department.

2 SECTION 10: Title 6, Chapter 24, Section 110, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **6.24.110:** (A) If [an] a new application for a child care facility license or a new application
5 for a child care facility director's position is [disapproved] denied by the Board, the Department shall
6 notify the applicant in writing of [such disapproval] the denial.

7 (B) [The] An applicant for a child care facility license may, not later than ten
8 calendar days after the [date of such notice] notice of denial, appeal the decision of the Board to the
9 City Council by filing a written [request for review, whereupon the Council shall either grant or deny
10 the application] notice of appeal with the Department, identifying with specificity the errors of law
11 and fact allegedly committed by the Board.

12 (C) A decision of the Board denying an application for a director's position is final
13 and is not subject to appeal to the City Council.

14 (D) A written notice of appeal filed pursuant to Subsection (B) of this Section shall
15 be referred by the Department to the City Council within thirty days, at which time the City Council,
16 after reviewing the concerns of the Board, shall either affirm the Board's decision or direct that the
17 Board grant the applicant's license, subject to any conditions that the City Council deems appropriate.

18 SECTION 11: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,
19 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
20 6.24.112, to read as follows:

21 **6.24.112:** The Department may issue an emergency order which suspends or conditions a child
22 care facility license or director approval, or both, if the Department believes that:

23 (A) There has been a violation of the provisions of this Code;

24 (B) Such order is necessary for the immediate preservation of the public peace,
25 health, safety, morals, good order or general welfare within the city; or

26 (C) Such order is deemed necessary to provide protection of children from child
27 abuse, neglect, or any other condition that could impact the health, safety, or well being of children.

28 SECTION 12: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,

1 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
2 6.24.114, to read as follows:

3 **6.24.114:** Any emergency order issued pursuant to LVMC 6.24.112 shall set forth the grounds
4 upon which it is issued, including a statement of facts constituting the emergency which necessitates
5 such order and shall be effective immediately upon the issuance and personal service thereof on the
6 licensee or director of the facility or upon the posting thereof upon the facility premises.

7 SECTION 13: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,
8 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
9 6.24.116, to read as follows:

10 **6.24.116:** A licensee or director may appeal an emergency order of the Department to the Board
11 by filing a written notice of appeal with the Department, and the Board shall conduct a hearing within
12 twenty days after the filing of the notice of appeal. An appeal must be filed not later than ten days
13 after the effective date of such emergency order or the right to appeal is deemed waived.

14 SECTION 14: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,
15 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
16 6.24.118, to read as follows:

17 **6.24.118:** Before a child care facility licensee may exceed the enrollment level authorized by the
18 Board at the time of licensing, the licensee must first have the written approval of the Department.
19 In no event may such increase in enrollment exceed the permitted occupancy level.

20 SECTION 15: Title 6, Chapter 24, Section 120, of the Municipal Code of the City of
21 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **6.24.120:** The following annual license fees shall be required and shall be paid prior to issuance
23 of a child care facility license:

- 24 [(A) For a family home, twenty dollars;
- 25 (B) For a group home, eighty dollars;
- 26 (C) For a child care center or child care institution, one hundred twenty dollars;
- 27 (D) For a preschool or nursery for infants and toddlers, with up to and including
28 twelve children enrolled, sixty dollars;

1 (E) For a preschool or nursery for infants and toddlers, with more than twelve
2 children enrolled, one hundred twenty dollars.]

3 (A) Family child care home \$40.00

4 (B) Group home for child care \$80.00

5 (C) Summer camp program \$100.00

6 (D) Child care institution \$120.00

7 (E) For a child care center, preschool center, special
8 needs facility, on-site child care facility, and
9 any other facility not specifically enumerated in
10 this Section, the license fees shall be based
11 upon the number of children the facility is
12 licensed to have on the premises as follows:

11 (1) 1 to 12 children \$80.00

12 (2) 13 to 35 children \$120.00

13 (3) 36 to 65 children \$150.00

14 (4) 66 to 100 children \$175.00

15 (5) 101 to 150 children \$200.00

16 (6) 151 to 200 children \$225.00

17 (7) 201 or more children \$250.00

18 (F) Accommodation Facility \$120.00

19 SECTION 16: Title 6, Chapter 24, Section 150, of the Municipal Code of the City of
20 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

21 **6.24.150:** [Any license issued under the provisions of this Chapter shall not be transferable by
22 the licensee to any other person and shall be valid only for the particular premises described therein
23 and the type of facility and number of children for which it is issued.]

24 A license issued pursuant to this Chapter is not transferable to any other person and
25 subject to the provisions of LVMC 6.24.192 is valid only for the premises described on the license.

26 SECTION 17: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,
27 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
28 6.24.190, to read as follows:

1 **6.24.190:** A child care facility licensee may change his or her location of operation by filing a
2 form furnished or approved by the Department. The Department shall approve the change of location
3 if the location meets all of the requirements of this Code and the Clark County Health District, and
4 upon payment of all appropriate license fees.

5 SECTION 18: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,
6 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
7 6.24.192, to read as follows:

8 **6.24.192:** All persons licensed to do business under this Chapter shall report to the Department
9 on a form furnished or approved by the Department any change in business name. The Department
10 shall approve the change of business name upon acceptance of the application and payment of all
11 appropriate license fees.

12 SECTION 19: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,
13 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
14 6.24.194, to read as follows:

15 **6.24.194:** Prior to moving from one child care facility to another child care facility, a director
16 shall first secure the written approval of the Department.

17 SECTION 20: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,
18 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
19 6.24.196, to read as follows:

20 **6.24.196:** Licensees and directors have a continuing duty and obligation to notify the Department
21 of additions, deletions, changes or modifications in the information furnished to the Department, and
22 this duty continues as long as they continue to provide child care.

23 SECTION 21: Title 6, Chapter 24, Section 200, of the Municipal Code of the City of
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **6.24.200:** The Department shall verify that the licensee, for continued licensure, meets all
26 requirements set forth in this Chapter and in the regulations. In the event that any license renewal
27 [application] is [disapproved] denied by the Department or the Department determines that the
28 [application] license renewal should be considered by the Board because of infractions associated with

1 the facility during the previous year, notice thereof shall be given to the [applicant] licensee in writing
2 and served by registered or certified mail, return receipt requested, or by personal service along with
3 a notice that a hearing on the matter shall be set before the Board on a date prior to the expiration of
4 the [applicant's] licensee's license. The decision of the Board shall be final, except that the denial of
5 a license renewal [application] may be appealed to the City Council in accordance with LVMC
6 6.24.110.

7 SECTION 22: Title 6, Chapter 24, Section 210, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **6.24.210:** At the time of its original license application, a facility shall be inspected and approved
10 by the [Fire Services Department] Department of Fire and Rescue. Thereafter, at least annually, the
11 [Fire Services Department] Department of Fire and Rescue shall inspect the facility to ensure that fire
12 standards are being met and maintained.

13 SECTION 23: Title 6, Chapter 24, Section 230, of the Municipal Code of the City of
14 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 **6.24.230:** The health officer or his designated representative shall, for purposes of inspection or
16 investigation, have authority to enter any building in which a facility is located and to inspect all food
17 products, water supplies, sewage disposal facilities, utensils and equipment located upon the premises.
18 Copies of sanitation inspection reports must be kept on file in the facility [and sent to the Department]
19 for two years.

20 SECTION 24: Title 6, Chapter 24, Section 240, of the Municipal Code of the City of
21 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **6.24.240:** The Department shall ensure that all facilities are inspected at least [once every six
23 months] twice a year; provided, however, the time between inspections shall not exceed six months.
24 More frequent inspections may be made [if the Department has reason to believe that the licensee of
25 a facility is not meeting the requirements of this Chapter] in the discretion of the Department.

26 SECTION 25: Title 6, Chapter 24, Section 250, of the Municipal Code of the City of
27 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

28 **6.24.250:** Department [Staff or their] designated representatives shall have the authority to enter

1 [upon] the premises of any facility at any time [during normal business hours] the facility is open to
2 the public for business for the purpose of inspection or investigation.

3 SECTION 26: Title 6, Chapter 24, Section 260, of the Municipal Code of the City of
4 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **6.24.260:** Whenever the Department has reason to believe that a facility is operating without a
6 license, or that a licensed facility is not conforming to the conditions of its license or the provisions
7 of this Chapter or the regulations, the Department shall investigate to determine the facts. The
8 Department shall have authority to inspect the premises where the violation is alleged to have occurred
9 and to conduct other such investigations as [may be] it deems appropriate.

10 SECTION 27: Title 6, Chapter 24, Section 300, of the Municipal Code of the City of
11 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **6.24.300:** [(A) Any administrative or judicial proceeding against a facility or a licensee or a
13 director in his capacity as licensee or director shall be reported by the licensee to the Department not
14 later than ten calendar days after notice of the proceeding is served on the facility, licensee or director.

15 (B) Any arrest of a licensee or a director or employee for an act that constitutes a
16 crime which involves moral turpitude or for conduct that bears upon the operation of a facility shall
17 be reported by the licensee or director to the Department not later than ten calendar days after the
18 arrest occurs.]

19 Licensees and directors have a continuing duty to notify the Department of:

20 (A) Any civil, administrative or judicial proceeding against a facility, licensee or
21 director not later than ten calendar days after notice of the proceeding is served.

22 (B) Any criminal charge, arrest or conviction involving a licensee or director within
23 forty-eight hours after a licensee or director has notice of the criminal charge, arrest or conviction.

24 SECTION 28: Title 6, Chapter 24, Section 340, of the Municipal Code of the City of
25 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 **6.24.340:** [(A) Any person whether a full-time or part-time employee or trainee, and whether
27 or not paid, in the employ of a facility, shall possess a valid child care work card issued by the Las
28 Vegas Metropolitan Police Department and a valid health card issued by the board of health prior to

1 the commencement of services with children.]

2 (A) Any person who works with or has occasion to be in direct contact with
3 children at a facility, whether or not full-time, whether or not related to any of the children or whether
4 or not compensated for their services, must first obtain and thereafter maintain a valid child care work
5 card issued by Metro and a valid health card issued by the Clark County Health District as a condition
6 of such contact; provided, however, that the provisions of this Subsection do not apply to persons who
7 are not agents, employees or contractors of the facility and who are only delivering and picking up
8 children from a facility.

9 (B) Every person who is eighteen years of age or older who resides in a facility
10 shall be required to obtain a child care work card.

11 (C) In addition to the provisions outlined in LVMC Chapter 6.86, the procedures
12 for obtaining a child care work card shall include submission of required fees for processing
13 fingerprint cards through the Federal Bureau of Investigation.

14 (D) Parents who participate with their children in a federally funded program are
15 exempt from the work card provisions of Subsection (A) of this Section provided they are in the
16 presence of an employee of the facility at all times.

17 SECTION 29: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,
18 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 350,
19 to read as follows:

20 **6.24.350:** For the purposes of this Chapter, if a child care facility provides child care on a regular
21 basis, there is a rebuttable presumption that the child care facility accepts compensation for the
22 services.

23 SECTION 30: Title 6, Chapter 24, Sections 80, 190 and Sections 350 through 410,
24 inclusive, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby repealed.

25 SECTION 31: All Sections of this Ordinance, except Sections 17 and 29 shall become
26 effective as of 12:01 A.M. the day after publication of this Ordinance by title.

27 SECTION 32: Sections 17 and 29 of this Ordinance shall become effective as of 12:02
28 A.M. the day after publication of this Ordinance by title.

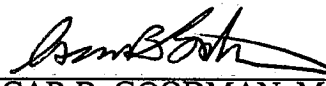
1 SECTION 33: If any section, subsection, subdivision, paragraph, sentence, clause or
2 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
3 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
4 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
5 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
6 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
7 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
8 invalid or ineffective.

9 SECTION 34: Whenever in this ordinance any act is prohibited or is made or declared
10 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
11 required or the failure to do any act is made or declared to be unlawful or an offense or a
12 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
13 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
14 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
15 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

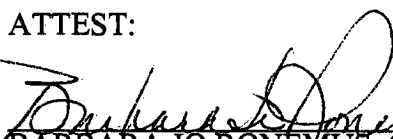
16 SECTION 35: All ordinances or parts of ordinances or sections, subsections, phrases
17 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
18 1983 Edition, in conflict herewith are hereby repealed.

19 PASSED, ADOPTED and APPROVED this 19 day of November, 2003.

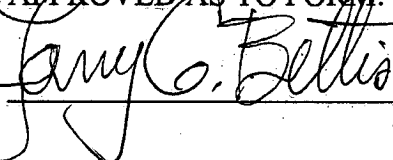
20 APPROVED:

21
22 By 
23 OSCAR B. GOODMAN, Mayor

24 ATTEST:

25 
26 BARBARA JO RONEMUS, City Clerk

27 APPROVED AS TO FORM:

28  11-4-03
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 17th day of September, 2003, and referred to a committee for recommendation; thereafter the
3 committee reported favorably on said ordinance on the 19th day of November, 2003, which was a
4 regular meeting of said Council; that at said regular meeting, the proposed ordinance was read by
5 title to the City Council as amended and adopted by the following vote:

6 VOTING "AYE": Councilmembers Reese, Brown, L. B. McDonald, Weekly, Mack and
Moncrief

7 VOTING "NAY": None

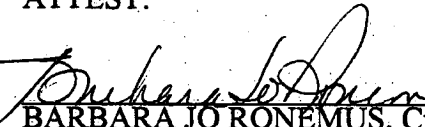
8 EXCUSED: None

9 ABSTAINED: Mayor Goodman

10 APPROVED:

11 
12 _____
OSCAR B. GOODMAN, Mayor

13 ATTEST:

14 
15 _____
BARBARA JO RONEMUS, City Clerk

BILL NO. 2003-77

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE PROVISIONS GOVERNING THE OPERATIONS AND MANAGEMENT OF CHILD CARE FACILITIES, TO INCREASE THE MEMBERSHIP OF THE CITY CHILD CARE LICENSING BOARD, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Mark Vincent,
Director of Finance and Business Services

Summary: Amends child care facility and personnel licensing provisions, and increases the membership of the City Child Care Licensing Board.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Title 6, Chapter 24, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.24.010: As used in this Chapter, unless the context otherwise indicates, the following terms shall have the meanings that are ascribed to them as follows:

[(A)] "Accommodation facility" means a commercial business establishment, not directly related to child care, that provides limited facilities for the custody of customers' children, with or without compensation, for not more than three and one-half hours in any twenty-four-hour period.

[(B)] "Board" means the Child Care Licensing Board of the City of Las Vegas.

[(C)] "Board of health" means the Clark County District Board of Health.

"Child care center" means any facility which provides day or night care, or both day and night care, for compensation, for more than twelve children.

[(D)(1)] "Child care facility" means an establishment operated for the purpose of furnishing care on a temporary or permanent basis, during the day or overnight, for compensation, to five or more children less than eighteen years of age. "Child care facility" does not include:

(a) The home of a natural parent or guardian, foster home as defined in Chapter 424 of NRS or maternity home; or

(b) A home in which the only children received, cared for and maintained are related within the third degree of consanguinity or affinity by blood, adoption or marriage to the

1 person operating the facility.

2 (2) For purposes of this Chapter, a "child care facility" or "facility" mean an
3 establishment operated and maintained for the purpose of furnishing care on a temporary or permanent
4 basis, during the day or overnight, with or without compensation, to one or more children less than
5 eighteen years of age. However, this term shall not apply to:

6 (a) The occasional care of a neighbor's or a friend's child for a period not
7 to exceed four weeks, with or without compensation, when the person providing such care does not
8 regularly engage in such activity; or

9 (b) Care given by parents who, on a mutually cooperative basis, exchange
10 care of one another's children; or

11 (c) Care given to children on church premises while their parents are
12 attending religious services; or

13 (d) Care given by a contract labor service licensed by the City which
14 provides among others babysitting services; or

15 (e) An accommodation facility as defined in this Chapter.]

16 "Child care facility" or "facility" means an establishment operated and maintained for the
17 purpose of furnishing care on a temporary or permanent basis, during the day or overnight, for
18 compensation, to one or more children less than eighteen years of age. For the purpose of this
19 definition, "furnishing care" does not include:

20 (A) The occasional care of a neighbor's or a friend's child for a period not to exceed
21 four weeks.

22 (B) Care provided in the home of a natural parent or guardian, foster home as
23 defined in Chapter 424 of NRS or maternity home.

24 (C) Care provided in a family dwelling in which the only children received, cared
25 for and maintained are related within the third degree of consanguinity or affinity by blood, adoption
26 or marriage to the person providing the care.

27 The term includes without limitation an accommodation facility, outdoor youth program, and summer
28 camp program.

1 "Child care institution" means a facility in which the licensee provides care during the day and
2 night and provides developmental guidance to sixteen or more children who do not routinely return
3 to the homes of their parents or guardians.

4 "Child with special needs" means a child who does not function according to expectations
5 appropriate to his or her age and who regularly requires special assistance or accommodations.

6 [(E)] "Department" means the Department of [Business Activity] Finance and Business
7 Services.

8 [(F)] "Director" means either the licensee of a child care facility or a person appointed by
9 the licensee who is responsible for managing the operation of a child care facility.

10 "Family child care home" means a facility within a family dwelling in which care is provided
11 for compensation, without the presence of parents, for at least one, but not more than six children.

12 "Group home for child care" means a facility within a family dwelling in which care is
13 provided for compensation without the presence of parents, for at least seven, but not more than
14 twelve children.

15 "On-site child care facility" means a facility that:

16 (A) Is located on the premises of a business for the purpose of providing child care
17 services to the employees of the business;

18 (B) Provides care on a temporary or permanent basis, during the day or night, for
19 compensation, to one or more children under the age of eighteen years old who are not related within
20 the third degree of consanguinity or affinity to an owner or manager of the business; and

21 (C) Is owned, operated, subsidized, managed, contracted for or staffed by the
22 business.

23 "Outdoor youth program" means a program for the provision of services, while living
24 outdoors, to persons under eighteen years of age who have behavioral problems with mental health
25 or problems with abuse of alcohol or drugs. "Outdoor youth program" does not include any facility,
26 activity or program operated by or on behalf of a governmental entity, or licensed by the State.

27 "Preschool" means a facility in which the licensee has established specific goals to enhance
28 each child's cognitive, social, emotional, physical and creative development. A preschool may be part

1 of another type of child care facility. A preschool may allow the number of children stated on its
2 license to participate in the program for four or fewer hours per day.

3 [H] "Regulations" means the City of Las Vegas Regulations and Standards For Child Care
4 Facilities adopted by the City Council in addition to the provisions of this Chapter.

5 "Special needs facility" means a child care facility with forty percent or more of its authorized
6 enrollment consisting of children with special need.

7 [(G)] ["Staff" means the personnel and employees of the Department of Business Activity.]

8 "Summer camp program" means a program offered during the summer for the care of children
9 under eighteen years of age. "Summer camp program" does not include recreational programs
10 affiliated with or conducted by the City, another governmental entity or a year-round recreational
11 program offered and conducted by a non-profit organization.

12 SECTION 2: Title 6, Chapter 24, Section 20, of the Municipal Code of the City of
13 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

14 **6.24.020:** [There is hereby established a board designated as the Child Care Licensing Board of
15 the City of Las Vegas.

16 (A) The Board shall:

17 (1) Be appointed by the City Council, each member of which may make
18 one appointment. In making such appointments, the City Council shall give special consideration to
19 the background of each prospective member including such qualifications as ability, education,
20 experience, training, profession or occupation and availability and willingness to serve on the Board.
21 The City Council may also consider such other qualifications of a prospective member as it deems
22 appropriate;

23 (2) Consist of five members except as provided in Subsection B of this
24 Section, all of whom must be residents of the City. One member must and not more than one member
25 may be either a current licensed operator of a facility within the City.

26 (B) Except as provided in Subsection C of this Section, each member of the Board
27 shall be appointed for a term of four years, which term shall run concurrently with the term of the
28 member of the City Council who made the appointment.

1 (C) Any vacancy on the board shall be filled by the City Council but only for the
2 unexpired term of the member whose service on the Board has ended.

3 (D) On the effective date of the ordinance that is codified in this Section, the Board
4 consists of six members.

5 (1) The members of the existing Board shall be eligible to remain on the
6 Board for the unexpired terms of their current appointments and shall all be eligible for reappointment
7 to the Board at the discretion of the City Council.

8 (2) The number of members shall be reduced to five when a member of the
9 existing Board, other than the member who is a licensed operator of a facility within the City, is
10 removed from the Board pursuant to the provisions of Chapter 2.52 of this Code, resigns or is not re-
11 appointed by the City Council to an additional term.]

12 (A) There is hereby established a board designated as the Child Care Licensing
13 Board of the City of Las Vegas.

14 (B) The Board membership shall be equal in number to those serving on the City
15 Council, and all Board members must be residents of the City.

16 (C) Not more than two members may be persons who are current licensed operators
17 of facilities within the City, former licensed operators of facilities within the City, or a combination
18 thereof.

19 (D) Each member of the City Council shall appoint one member of the Board,
20 subject to the approval of the City Council.

21 (E) The term of each member of the Board shall run concurrently with the term of
22 the appointing City Council member.

23 (F) Appointments to fill vacancies on the Board shall be made by the appointing
24 City Council member, subject to City Council approval, for the unexpired term of office of the
25 departing Board member.

26 SECTION 3: Title 6, Chapter 24, Section 40, of the Municipal Code of the City of
27 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

28 6.24.040: (A) In addition to any other authority granted to the Board pursuant to this Chapter,

1 the Board shall have the authority:

2 (1) To grant full or conditional approval of or deny director applications;

3 (2) To [recommend] grant full or conditional approval of, or deny
4 applications for new child care facility licenses;

5 (3) As a prerequisite to any action with respect to a new license or director
6 application, to require the applicant to appear in person at a meeting and attend a general orientation
7 meeting conducted by the Department;

8 (4) To adopt amendments to the regulations and standards and to
9 recommend to the City Council the adoption of amendments to this Chapter;

10 (5) At the request of an applicant, to waive a regulation that is more
11 stringent than a State regulation if it determines that good cause exists;

12 (6) To specify the length of time that a waiver is in effect; [and]

13 (7) To revoke a waiver if, after a public hearing, it determines that the
14 public health or safety is threatened or the basis upon which the waiver was granted no longer
15 exists[.]; and

16 (8) To send written notice requiring a licensee or director to appear before
17 the Board whenever there is reasonable cause to deny, suspend, revoke, or take other appropriate
18 action against a licensee or director approval issued pursuant to this Chapter.

19 (B) For purposes of the waiver provisions of this Section, "good cause" exists when
20 an applicant is unduly burdened by a facility regulation and as a result thereby suffers a severe
21 hardship because of circumstances or conditions which are unique to him.

22 (C) The Board may not:

23 (1) Grant a waiver which will threaten public health or safety; or

24 (2) Grant a waiver of any regulation that would result in any facility not
25 complying with regulations as adopted by the State Board for Child Care. [Waiver of a state
26 regulation may be granted by the Sate Board for Child Care pursuant to the procedures set forth in the
27 State Regulations and Standards for Child Care Facilities.]

28 (D) The Board's authority under Subsection (A) to require the appearance of

1 applicants, licensees and directors may be exercised by the Department.

2 SECTION 4: Title 6, Chapter 24, Section 50, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

4 **6.24.050:** It is found and declared by the City Council that:

5 (A) The public health, safety, morals and welfare of the inhabitants of the City
6 require the regulation and control of businesses engaged in the operation of child care facilities[;].

7 (B) All establishments where care of children is given, except as otherwise provided
8 in LVMC 6.24.010, shall be licensed, operated and controlled so as to protect the public health, safety,
9 morals and welfare[;].

10 (C) The right to obtain such a license is a privilege and that the operation of a child
11 care facility, when authorized by such license, is a privileged business subject to regulation[; and].

12 (D) No person shall operate a child care facility without first obtaining and
13 thereafter maintaining a valid unexpired license pursuant to this Code; provided, however, [tht] that
14 the Department may issue a [temorary] temporary business license to an applicant in accordance with
15 LVMC 6.02.070 if:

16 (1) The applicant at the time he or she files an application is [property]
17 properly licensed, or held a valid license within sixty days of the application date in a similar business
18 within Clark County or the City of Las Vegas for which all of the provisions applicable to the
19 operations of a child care facility have been previously met;

20 (2) The applicant has complied with all other applicable requirements of
21 this Chapter and this Code; and

22 (3) The business location or business premises have been tentatively
23 approved by the appropriate departments of the City and [agnecies] agencies of the County or State,
24 if so required.

25 (E) No person shall operate a family child care home without a designated alternate
26 care giver, approved by the Department, that can assist or fill in for the licensee in the case of an
27 emergency.

28 SECTION 5: Title 6, Chapter 24, Section 60, of the Municipal Code of the City of

1 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 **6.24.060:** Every person required to be licensed or approved as a director under this Chapter shall:

3 (A) Make application [in person] to the Department on a form or forms supplied
4 or approved by the Department[;].

5 (B) Complete all application forms fully, specifying in particular the type of facility
6 for which a license or approval is sought, the proposed hours of operation of the facility and the ages
7 and number of children for whom care will be provided[;].

8 (C) File the application at least [thirty] sixty calendar days prior to a regularly
9 scheduled Board meeting so that any agency to which the Department is required to refer the
10 application for additional approval may complete its review and report to the Board[; and].

11 (D) Be referred by the Department to [the Las Vegas Metropolitan Police
12 Department] Metro for investigation[; and], and:

13 (1) Submit at the time of application a nonrefundable investigation deposit
14 [fee of fifty dollars,] as specified by Metro;

15 (2) Pay the actual cost of the investigation as provided under LVMC
16 6.06.105[;];

17 (3) Submit the required fees for processing fingerprint cards through the
18 Federal Bureau of Investigation[, and]; and

19 (4) Follow the work card application procedures outlined in LVMC Chapter
20 6.86.

21 (E) Pay all license application fees required by Title 6.

22 SECTION 6: Title 6, Chapter 24, Section 70, of the Municipal Code of the City of
23 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **6.24.070:** [An application for a license or renewal thereof may be denied and a license may be
25 suspended or revoked according to the provisions of this Chapter, upon any of the grounds set forth
26 in LVMC 6.02.330 and NRS 432A.190.]

27 (A) An application for a child care facility license or renewal thereof may be denied,
28 upon any of the grounds set forth in LVMC 6.02.330 and NRS 432A.190, or upon any of the

1 following grounds:

2 (1) An applicant does not possess or have the reputation of possessing a
3 good moral character.

4 (2) An applicant is less than eighteen years of age.

5 (3) An applicant has a history of criminal offenses which would, in the
6 judgment of the Board or the City Council, jeopardize the physical, mental or emotional well-being
7 of a child under the care of the applicant. The determination of an applicant's fitness in this regard
8 shall take into account the nature, severity, frequency and recency of any such offenses.

9 (4) An applicant for a child care facility license who will provide child care
10 in a family child care home or group home for child care is found to have a home environment which
11 is not conducive to the health, safety, morals or welfare of children. Such a home environment shall
12 include, without limitation, the following conduct by an applicant, prospective employee, volunteer
13 or person living in or frequently visiting the site of the family child care home or group home:

14 (a) Excessive use of alcohol;

15 (b) The use of controlled substances;

16 (c) Serious or prolonged illness;

17 (d) Physical or mental impairment; or

18 (e) Violent behavior.

19 (5) An applicant who after due consideration for the protection of the public
20 health, safety, morals or welfare is found by the Board or City Council to be unsuitable to receive a
21 license.

22 (B) A child care facility license may be suspended or revoked according to the
23 provisions of this Chapter upon any of the same grounds set forth in this Section for denial of an
24 application for such license.

25 SECTION 7: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,
26 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
27 6.24.072, to read as follows:

28 **6.24.072:** A child care facility licensee shall either act as the facility director or have another

1 person approved by the Board act as the facility director.

2 SECTION 8: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,
3 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
4 6.24.075, to read as follows:

5 **6.24.075:** (A) Before acting as a child care facility director on behalf of a child care facility
6 licensee, a person shall first apply with the Department for approval as a director pursuant to the
7 provisions of LVMC 6.24.060.

8 (B) An application for approval as a director filed pursuant to Subsection (A) of this
9 Section may be denied, or suspended or revoked after issuance, upon the same grounds for denial,
10 suspension or revocation of a child care facility license as set forth in LVMC 6.24.070.

11 SECTION 9: Title 6, Chapter 24, Section 100, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.24.100:** [Each new license application shall either be recommended for approval or denied by
14 the Board within sixty calendar days after the application is filed. However, in the event that any
15 agency to which the Department is required to refer the application for additional approval is unable
16 to complete its review thereof in time for the Board to comply with the sixty-calendar-day
17 requirement, that period may be extended for not more than sixty calendar days. If a license
18 application is recommended for approval, the Department shall submit the application to the City
19 Council for consideration at its first available regular meeting thereafter.]

20 (A) The Department shall refer a completed application for a child care facility
21 license or a child care facility director's position to Metro for background investigation and report on
22 any areas of concern. Upon completion of the background investigation, the Department shall submit
23 the application and background investigation report to the Board.

24 (B) The Board shall either grant or deny each new application for a child care
25 facility license or application for a child care facility director's position within forty-five calendar days
26 after the application is referred to the Board from the Department.

27 SECTION 10: Title 6, Chapter 24, Section 110, of the Municipal Code of the City of
28 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **6.24.110:** (A) If [an] a new application for a child care facility license or a new application
2 for a child care facility director's position is [disapproved] denied by the Board, the Department shall
3 notify the applicant in writing of [such disapproval] the denial.

4 (B) [The] An applicant for a child care facility license may, not later than ten
5 calendar days after the [date of such notice] notice of denial, appeal the decision of the Board to the
6 City Council by filing a written [request for review, whereupon the Council shall either grant or deny
7 the application] notice of appeal with the Department, identifying with specificity the errors of law
8 and fact allegedly committed by the Board.

9 (C) A decision of the Board denying an application for a director's position is final
10 and is not subject to appeal to the City Council.

11 (D) A written notice of appeal filed pursuant to Subsection (B) of this Section shall
12 be referred by the Department to the City Council within thirty days, at which time the City Council,
13 after reviewing the concerns of the Board, shall either affirm the Board's decision or direct that the
14 Board grant the applicant's license, subject to any conditions that the City Council deems appropriate.

15 SECTION 11: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,
16 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
17 6.24.112, to read as follows:

18 **6.24.112:** The Department may issue an emergency order which suspends or conditions a child
19 care facility license or director approval, or both, if the Department believes that:

20 (A) There has been a violation of the provisions of this Code;

21 (B) Such order is necessary for the immediate preservation of the public peace,
22 health, safety, morals, good order or general welfare within the city; or

23 (C) Such order is deemed necessary to provide protection of children from child
24 abuse, neglect, or any other condition that could impact the health, safety, or well being of children.

25 SECTION 12: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,
26 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
27 6.24.114, to read as follows:

28 **6.24.114:** Any emergency order issued pursuant to LVMC 6.24.112 shall set forth the grounds

1 upon which it is issued, including a statement of facts constituting the emergency which necessitates
2 such order and shall be effective immediately upon the issuance and personal service thereof on the
3 licensee or director of the facility or upon the posting thereof upon the facility premises.

4 SECTION 13: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,
5 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
6 6.24.116, to read as follows:

7 **6.24.116:** A licensee or director may appeal an emergency order of the Department to the Board
8 by filing a written notice of appeal with the Department, and the Board shall conduct a hearing within
9 twenty days after the filing of the notice of appeal. An appeal must be filed not later than ten days
10 after the effective date of such emergency order or the right to appeal is deemed waived.

11 SECTION 14: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,
12 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
13 6.24.118, to read as follows:

14 **6.24.118:** Before a child care facility licensee may exceed the enrollment level authorized by the
15 Board at the time of licensing, the licensee must first have the written approval of the Department.
16 In no event may such increase in enrollment exceed the permitted occupancy level.

17 SECTION 15: Title 6, Chapter 24, Section 120, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **6.24.120:** The following annual license fees shall be required and shall be paid prior to issuance
20 of a child care facility license:

- 21 [(A) For a family home, twenty dollars;
- 22 (B) For a group home, eighty dollars;
- 23 (C) For a child care center or child care institution, one hundred twenty dollars;
- 24 (D) For a preschool or nursery for infants and toddlers, with up to and including
25 twelve children enrolled, sixty dollars;
- 26 (E) For a preschool or nursery for infants and toddlers, with more than twelve
27 children enrolled, one hundred twenty dollars.]

28 (A) Family child care home \$40.00

1 (B) Group home for child care \$80.00

2 (C) Summer camp program \$100.00

3 (D) Child care institution \$120.00

4 (E) For a child care center, preschool center, special
5 needs facility, on-site child care facility, and
6 any other facility not specifically enumerated in
7 this Section, the license fees shall be based
8 upon the number of children the facility is
9 licensed to have on the premises as follows:

10 (1) 1 to 12 children \$80.00

11 (2) 13 to 35 children \$120.00

12 (3) 36 to 65 children \$150.00

13 (4) 66 to 100 children \$175.00

14 (5) 101 to 150 children \$200.00

15 (6) 151 to 200 children \$225.00

16 (7) 201 or more children \$250.00

17 (F) Accommodation Facility \$120.00

18 SECTION 16: Title 6, Chapter 24, Section 150, of the Municipal Code of the City of
19 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **6.24.150:** [Any license issued under the provisions of this Chapter shall not be transferable by
21 the licensee to any other person and shall be valid only for the particular premises described therein
22 and the type of facility and number of children for which it is issued.]

23 A license issued pursuant to this Chapter is not transferable to any other person and,
24 subject to the provisions of LVMC 6.24.192 is valid only for the premises described on the license.

25 SECTION 17: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,
26 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
27 6.24.190, to read as follows:

28 **6.24.190:** A child care facility licensee may change his or her location of operation by filing a
form furnished or approved by the Department. The Department shall approve the change of location
if the location meets all of the requirements of this Code and the Clark County Health District, and

1 upon payment of all appropriate license fees.

2 SECTION 18: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,
3 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
4 6.24.192, to read as follows:

5 **6.24.192:** All persons licensed to do business under this Chapter shall report to the Department
6 on a form furnished or approved by the Department any change in business name. The Department
7 shall approve the change of business name upon acceptance of the application and payment of all
8 appropriate license fees.

9 SECTION 19: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,
10 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
11 6.24.194, to read as follows:

12 **6.24.194:** Prior to moving from one child care facility to another child care facility, a director
13 shall first secure the written approval of the Department.

14 SECTION 20: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,
15 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section
16 6.24.196, to read as follows:

17 **6.24.196:** Licensees and directors have a continuing duty and obligation to notify the Department
18 of additions, deletions, changes or modifications in the information furnished to the Department, and
19 this duty continues as long as they continue to provide child care.

20 SECTION 21: Title 6, Chapter 24, Section 200, of the Municipal Code of the City of
21 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

22 **6.24.200:** The Department shall verify that the licensee, for continued licensure, meets all
23 requirements set forth in this Chapter and in the regulations. In the event that any license renewal
24 [application] is [disapproved] denied by the Department or the Department determines that the
25 [application] license renewal should be considered by the Board because of infractions associated with
26 the facility during the previous year, notice thereof shall be given to the [applicant] licensee in writing
27 and served by registered or certified mail, return receipt requested, or by personal service along with
28 a notice that a hearing on the matter shall be set before the Board on a date prior to the expiration of

1 the [applicant's] licensee's license. The decision of the Board shall be final, except that the denial of
2 a license renewal [application] may be appealed to the City Council in accordance with LVMC
3 6.24.110.

4 SECTION 22: Title 6, Chapter 24, Section 210, of the Municipal Code of the City of
5 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6 **6.24.210:** At the time of its original license application, a facility shall be inspected and approved
7 by the [Fire Services Department] Department of Fire and Rescue. Thereafter, at least annually, the
8 [Fire Services Department] Department of Fire and Rescue shall inspect the facility to ensure that fire
9 standards are being met and maintained.

10 SECTION 23: Title 6, Chapter 24, Section 230, of the Municipal Code of the City of
11 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **6.24.230:** The health officer or his designated representative shall, for purposes of inspection or
13 investigation, have authority to enter any building in which a facility is located and to inspect all food
14 products, water supplies, sewage disposal facilities, utensils and equipment located upon the premises.
15 Copies of sanitation inspection reports must be kept on file in the facility [and sent to the Department]
16 for two years.

17 SECTION 24: Title 6, Chapter 24, Section 240, of the Municipal Code of the City of
18 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

19 **6.24.240:** The Department shall ensure that all facilities are inspected at least [once every six
20 months] twice a year; provided, however, the time between inspections shall not exceed six months.
21 More frequent inspections may be made [if the Department has reason to believe that the licensee of
22 a facility is not meeting the requirements of this Chapter] in the discretion of the Department.

23 SECTION 25: Title 6, Chapter 24, Section 250, of the Municipal Code of the City of
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **6.24.250:** Department [Staff or their] designated representatives shall have the authority to enter
26 [upon] the premises of any facility at any time [during normal business hours] the facility is open to
27 the public for business for the purpose of inspection or investigation.

28 SECTION 26: Title 6, Chapter 24, Section 260, of the Municipal Code of the City of

1 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 **6.24.260:** Whenever the Department has reason to believe that a facility is operating without a
3 license, or that a licensed facility is not conforming to the conditions of its license or the provisions
4 of this Chapter or the regulations, the Department shall investigate to determine the facts. The
5 Department shall have authority to inspect the premises where the violation is alleged to have occurred
6 and to conduct other such investigations as [may be] it deems appropriate.

7 SECTION 27: Title 6, Chapter 24, Section 300, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **6.24.300:** [(A) Any administrative or judicial proceeding against a facility or a licensee or a
10 director in his capacity as licensee or director shall be reported by the licensee to the Department not
11 later than ten calendar days after notice of the proceeding is served on the facility, licensee or director.

12 (B) Any arrest of a licensee or a director or employee for an act that constitutes a
13 crime which involves moral turpitude or for conduct that bears upon the operation of a facility shall
14 be reported by the licensee or director to the Department not later than ten calendar days after the
15 arrest occurs.]

16 Licensees and directors have a continuing duty to notify the Department of:

17 (A) Any civil, administrative or judicial proceeding against a facility, licensee or
18 director not later than ten calendar days after notice of the proceeding is served.

19 (B) Any criminal charge, arrest or conviction involving a licensee or director within
20 forty-eight hours after a licensee or director has notice of the criminal charge, arrest or conviction.

21 SECTION 28: Title 6, Chapter 24, Section 340, of the Municipal Code of the City of
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **6.24.340:** [(A) Any person whether a full-time or part-time employee or trainee, and whether
24 or not paid, in the employ of a facility, shall possess a valid child care work card issued by the Las
25 Vegas Metropolitan Police Department and a valid health card issued by the board of health prior to
26 the commencement of services with children.]

27 (A) Any person who works with or has occasion to be in direct contact with
28 children at a facility, whether or not full-time, whether or not related to any of the children or whether

1 or not compensated for their services, must first obtain and thereafter maintain a valid child care work
2 card issued by Metro and a valid health card issued by the Clark County Health District as a condition
3 of such contact; provided, however, that the provisions of this Subsection do not apply to persons who
4 are not agents, employees or contractors of the facility and who are only delivering and picking up
5 children from a facility.

6 (B) Every person who is eighteen years of age or older who resides in a facility
7 shall be required to obtain a child care work card.

8 (C) In addition to the provisions outlined in LVMC Chapter 6.86, the procedures
9 for obtaining a child care work card shall include submission of required fees for processing
10 fingerprint cards through the Federal Bureau of Investigation.

11 (D) Parents who participate with their children in a federally funded program are
12 exempt from the work card provisions of Subsection (A) of this Section provided they are in the
13 presence of an employee of the facility at all times.

14 SECTION 29: Title 6, Chapter 24, of the Municipal Code of the City of Las Vegas,
15 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 350,
16 to read as follows:

17 **6.24.350:** For the purposes of this Chapter, if a child care facility provides child care on a regular
18 basis, there is a rebuttable presumption that the child care facility accepts compensation for the
19 services.

20 SECTION 30: Title 6, Chapter 24, Sections 80, 190 and Sections 350 through 410,
21 inclusive, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby repealed.

22 SECTION 31: All Sections of this Ordinance, except Sections 17 and 29 shall become
23 effective as of 12:01 A.M. the day after publication of this Ordinance by title.

24 SECTION 32: Sections 17 and 29 of this Ordinance shall become effective as of 12:02
25 A.M. the day after publication of this Ordinance by title.

26 SECTION 33: If any section, subsection, subdivision, paragraph, sentence, clause or
27 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
28 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or

1 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
2 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
3 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
4 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
5 invalid or ineffective.

6 SECTION 34: Whenever in this ordinance any act is prohibited or is made or declared
7 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
8 required or the failure to do any act is made or declared to be unlawful or an offense or a
9 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
10 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
11 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
12 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

13 SECTION 35: All ordinances or parts of ordinances or sections, subsections, phrases
14 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
15 1983 Edition, in conflict herewith are hereby repealed.

16 PASSED, ADOPTED and APPROVED this _____ day of _____, 2003.

17 APPROVED:

18
19 By _____
20 OSCAR B. GOODMAN, Mayor

21 ATTEST:

22 _____
23 BARBARA JO RONEMUS, City Clerk

24 APPROVED AS TO FORM:

25 Larry G. Betts 9-4-03
26 _____
27 Date
28

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of ____, 2003, and referred to the following committee composed of
3 ____ and ____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 ____, 2003, which was a ____ meeting of said Council; that at said
6 ____ meeting, the proposed ordinance was read by title to the City Council as
7 first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By OSCAR B. GOODMAN, Mayor

14 ATTEST:

15
16 BARBARA JO RONEMUS, City Clerk

RECEIVED
CITY CLERK

2003 NOV 14 P 3:44

AFFP DISTRICT COURT
Clark County, Nevada
AFFIDAVIT OF PUBLICATION
STATE OF NEVADA)
COUNTY OF CLARK)

SS:

Donna Stark, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
3056515

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1
edition(s) of said newspaper issued from 11/07/2003 to 11/07/2003, on
the following days: NOV. 7, 2003

Signed: _____

Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

12

day of *November* 2003

Mary B. Sheffield

Notary Public

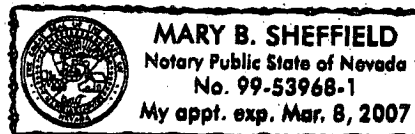
FIRST AMENDMENT
BILL NO. 2003-77

AN ORDINANCE TO AMEND
THE PROVISIONS GOVERN-
ING THE OPERATIONS AND
MANAGEMENT OF CHILD
CARE FACILITIES, TO IN-
CREASE THE MEMBERSHIP
OF THE CITY CHILD CARE
LICENSING BOARD, AND
TO PROVIDE FOR OTHER
RELATED MATTERS.

Proposed by: Mark Vin-
cent, Director
Department of Finance
and Business Services
Summary: Amends child
care facility and personnel
licensing provisions, and
increases the member-
ship of the City Child Care
Licensing Board.

At the City Council meet-
ing of SEPTEMBER 17, 2003
BILL NO. 2003-77 WAS
READ BY TITLE AND RE-
FERRED TO A RECOM-
MENDING COMMITTEE.

COPIES OF THE COMPLETE
ORDINANCE ARE AVAILA-
BLE FOR PUBLIC INFORMA-
TION IN THE OFFICE OF
THE CITY CLERK, 1ST
FLOOR, 400 STEWART AVE-
NUE, LAS VEGAS, NEVADA.
PUB: November 7, 2003.
LV Review-Journal



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2003 DEC -2 P 4: 50

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK)

SS:

Donna Stark, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
3079646

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/22/2003 to 11/22/2003, on the following days: NOV. 22, 2003

FIRST AMENDMENT
BILL NO. 2003-77
ORDINANCE NO. 5635

AN ORDINANCE TO AMEND THE PROVISIONS GOVERNING THE OPERATIONS AND MANAGEMENT OF CHILD CARE FACILITIES, TO INCREASE THE MEMBERSHIP OF THE CITY CHILD CARE LICENSING BOARD, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Mark Vincent, Director Department of Finance and Business Services.
Summary: Amends child care facility and personnel licensing provisions, and increases the membership of the City Child Care Licensing Board.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 17th day of September, 2003, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 19th day of November, 2003, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE": Councilmembers Reese, L. Brown, L.B. McDonald, Weekly, Mack, and Moncrief
VOTING "NAY": NONE
EXCUSED: NONE
ABSTAINING Mayor Goodman

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 1ST FLOOR, 400 STEWART AVENUE, LAS VEGAS, NEVADA.
PUB: Nov. 22, 2003
LV Review-Journal

Signed: _____

Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE _____

25

day of _____ 2003

November
Mary B. Sheffield

Notary Public

